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DEPARTMENT OF NATURAL RESOURCES

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March 15, 2010

TO: Board of Oil, Gas & Mining

THROUGH: John R. Baza, Director 

FROM: Steve Schneider, Administrative Services & Policy Coordinator 

SUBJECT: Nonsubstantive Rule Amendments: One Coal, Two Oil & Gas

The Division has identified three nonsubstantive rule amendments which are appropriate for filing with the Division of Administrative Rules (DAR). These items are very simple changes, however, they are important for the proper reading of one rule in the Coal Program and two in the Oil and Gas Program.

Nonsubstantive rule amendments can be filed by our Division without a formal rulemaking process per the Administrative Rulemaking Act. The Division's practice is to advise the Board of potential nonsubstantive rule amendments prior to submission. Nonsubstantive rule amendments are minor corrections and do not materially affect the outcome of the rule.

The three nonsubstantive rule amendments are described on the attached document. If there are no objections by the Board, the Division will file with the DAR by March 31, 2010.

I will be available to answer questions at the Board briefing on March 24, 2010 or I can be reached at 801-538-5328.

Attachment

Utah Division of Oil, Gas & Mining
Nonsubstantive Rule Edits
March 15, 2010

R645. Natural Resources; Oil, Gas and Mining; Coal.

R645-301. Coal Mine Permitting: Permit Application Requirements.

R645-301-600. Geology.

624.300. For lands within the permit and adjacent areas of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES where the strata above the coal seam to be mined will not be removed, samples will be collected and analyzed from test borings or drill cores to provide the following data:

624.310. Logs of drill holes showing the lithologic characteristics, including physical properties and thickness of each stratum that may be impacted, and location of ground water where occurring;

624.320. Chemical analyses for acid- or toxic-forming or alkalinity-producing materials and their content in the strata immediately above and below the coal seam to be mined;

624.330. Chemical analyses of the coal seam for acid- or toxic-forming materials, including the total sulfur and pyritic sulfur, except that the Division may find that the analysis of pyrite sulfur content is unnecessary; and

624.340. For standard room and pillar mining operations, the thickness and engineering properties of clays [of] or soft rock such as clay shale, if any, in the stratum immediately above and below each coal seam to be mined.

Comment: The above rule does not read properly using "of" and it should be "or." A typographical error was made in a prior rule edit. The Division has verified that the equivalent federal regulation is 30 CFR 784.22(b)(3)(iv) and it utilizes the word "or." The Division of Administrative Rules has also confirmed this edit is nonsubstantive.

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-9. Waste Management and Disposal.

R649-9-1. Introduction.

1. Section 40-6-5 UCA authorizes the board to regulate the disposal of salt water and oil-field wastes. It is the intent of the Board and Division to regulate [~~Exploration and Production Wastes~~] E and P wastes and facilities for the disposal of these wastes in a manner that protects the environment, limits liability to producers, and minimizes the volume of waste.

Comment: The above rule does not read properly with E and P wastes spelled out and also abbreviated. E and P wastes is already a defined term in the O&G definitions, so the spelled out version is not necessary.

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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-3. Drilling and Operating Practices.

R649-3-31. Designated Oil Shale Areas.

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7. The directional survey shall be the confidential property of the parties paying for the survey and shall be kept confidential until released by said parties or the division.

8. In addition to the requirements pertaining to the cementing of casing contained in the R649-3-8, any casing set into or through the oil shale section shall be cemented over the entire oil shale section.

9. If a well is dry, junked or abandoned, a cement plug shall be placed across that portion of the oil shale section extending 200 feet above and 200 feet below the longitudinal center of the Mahogany Zone. The cement plug shall not be required inside a casing cemented in accordance with R649-3-31-[7]8. When the casing is cemented, cement plugs 200 feet in length shall be centered across the top and across the base of the Parachute Creek Member of the Green River Formation.

10. In the event the casing is not cemented in accordance with R649-3-31-[7]8, the division shall approve the method and procedure to prevent the migration of oil, gas, and other substances through the wellbore from one formation to another.

Comment: The rules in subsections 9 and 10 improperly reference subsection 7 on confidentiality and should reference subsection 8 on cementing of casing. The Division has researched this matter and determined that rulemaking in 9/2001 inserted a new subsection 1 into this rule and renumbered the remaining subsections, but these two cross-references were not updated at the time.